

BILL NO. S-76-09-42

SPECIAL ORDINANCE NO. S-176-76

AN ORDINANCE approving Change Order No. 1 in connection with Lawton Park Steam Generating Unit Contract 1495-1.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1 to Combustion Engineering, Inc., in connection with work performed on the Lawton Park Steam Generating Unit, Contract 1495-1, in the amount of \$12,100.00, as set out in the specifications, is hereby in all things ratified, confirmed and approved.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

  
Councilman

APPROVED AS TO FORM  
AND LEGALITY.

  
CITY ATTORNEY

Read the first time in full and on motion by Burns, seconded by Kinga, and duly adopted, read the second time by title and referred to the Committee on City Utilities (and the ~~City Plan Commission~~ for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the day of \_\_\_\_\_, 1976, at \_\_\_\_\_ o'clock P.M., E.S.T.

DATE: 9-28-76

Charles W. Westerman

CITY CLERK

Read the third time in full and on motion by Burns, seconded by Hunter, and duly adopted, placed on its passage.

PASSED (~~LOST~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	<u>3</u>	<u>4</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BURNS	<u>X</u>				
HINGA		<u>X</u>			
HUNTER	<u>X</u>				
MOSES		<u>X</u>			
NUCKOLS		<u>X</u>			
SCHMIDT, D.	<u>X</u>				
SCHMIDT, V.	<u>X</u>				
STIER		<u>X</u>			
TALARICO	<u>X</u>				

DATE: 10-12-76

Charles W. Westerman  
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~ZONING MAP~~) (~~GENERAL~~) (~~ANNEXATION~~) (~~SPECIAL~~) (~~APPROPRIATION~~)

ORDINANCE (~~RESOLUTION~~) No. S-176-76 on the 12th day of Oct., 1976.  
ATTEST: (SEAL)

Charles W. Westerman  
CITY CLERK

James Schick  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of October, 1976, at the hour of 11 o'clock A.M., E.S.T.

Charles W. Westerman  
CITY CLERK

Approved and signed by me this 14th day of October, 1976, at the hour of 3:00 o'clock P.M., E.S.T.

Robert Shumstrong  
MAYOR

Bill No. S-76-09-42

REPORT OF THE COMMITTEE ON CITY UTILITIES

We, your Committee on City Utilities to whom was referred an Ordinance  
approving Change Order No. 1 in connection with Lawton Park Steam  
Generating Unit Contract 1495-1

have had said Ordinance under consideration and beg leave to report back to the Common  
Council that said Ordinance DO PASS.

Paul M. Burns - Chairman

John Nuckols - Vice-Chairman

William T. Hinga

Fredrick R. Hunter

Samuel J. Talarico

*pr 76*  
CONCURRED IN

DATE \_\_\_\_\_ CHARLES W. WESTERHOLM, CITY CLERK

## GAS BOILER

When the Gas fired Boiler was being installed in 1972-73 the partial payments on the Boiler were properly processed and paid, but on the completion of the job in 1973 when all the final details of the Boiler installation had been completed, the negotiations for the Lease of City Light to I & M were in progress and the final 10% payment of the Combustion Engineering Contract was withheld together with some change order charges regarding the storage of the Boiler in 1971. Payment was withheld because it was hoped that the Boiler supplier, Combustion Engineering and the City Light Consulting Engineers would find a buyer for the new Boiler and the final payment would be handled with the sale of the Boiler. This resulted in some negotiations with I & M by the previous Board of Public Works in the fall of 1975, But the previous Board of Works and the present Board of Works dropped the negotiations for tearing down the Power Plant, then Combustion Engineering requested payment.

The change order for the storage of the Boiler in the summer of 1971 was negotiated by our Consulting Engineers and delivered to the former Board of Works for processing. This amounted to \$12,100.00 . The previous Board of Works held up action on this change order so it could be handled with the final payment and hopefully the sale of the Boiler.

We hope the above explanation covers the delay in completing the final payment for the Gas Boiler installation.

63-284-22 9/15/76

IMPROVEMENT OF THE  
CITY LIGHT AND POWER WORKS  
FOR THE  
BOARD OF PUBLIC WORKS  
OF THE  
CITY OF FORT WAYNE, INDIANA

Campbell, DeBoe, Giese & Weber Order No. 1495

CONTRACT CHANGE ORDER NO. 1

CONTRACT NO. 1495-1

Steam Generating Unit

Whereas, it was deemed advisable to make certain changes in scheduling and construction of the work, and

Whereas, the General Specifications and Conditions for Contract No. 1495-1 provides for "Extra and/or Additional Work and Changes," and

Whereas, the extent and value of the changes to the contract have been mutually determined to be as follows:

<u>Additions</u>	<u>Amount</u>	
Arrangement of manufacturing cycle and shipping schedule for steam generating unit components to provide for proper coordination of job site construction scheduling.	\$13,825.00	
On site subcontracted labor escalation incurred by construction scheduling.	<u>2,025.00</u>	
Total Addition		\$15,850.00
 <u>Deductions</u>		
Credit for omission of start-up supervision for unit and component equipment	<u>\$ 3,750.00</u>	
Total Deduction		<u>\$ 3,750.00</u>
Net Addition To Contract		\$12,100.00

Now, therefore, in accordance with paragraph 19, "Terms of Payment," of the General Specifications and Conditions for Contract No. 1495-1 - Steam Generating Unit, it is agreed that the City of Fort Wayne, Indiana, will pay to the Contractor, Combustion Engineering, Inc., the sum of Twelve Thousand One Hundred Dollars (\$12,100.00) as full and complete compensation for the foregoing described changes, additions and deductions. The revised contract price as of this date and reflecting the aforementioned changes is THREE HUNDRED NINETY THOUSAND NINE HUNDRED THIRTY FIVE DOLLARS (\$390,935.00).

COMBUSTION ENGINEERING, INC.  
Contractor

By

R. A. Newbirt

Title Manager - Industrial Contract Admin.

Date Signed February 11, 1974

Approved by Engineers:

MAR 27, 19 74

By

Campbell, DeBoe, Giese & Weber

CITY OF FORT WAYNE, ALLEN  
COUNTY, STATE OF INDIANA

By

Stump P. McCreary  
Edw. H. Ramon

May J. Scott  
Board of Public Works

Date Signed \_\_\_\_\_

TITLE OF ORDINANCE SPECIAL ORDINANCE-Change Order #1 - Combustion Engineering, Inc.

DEPARTMENT REQUESTING ORDINANCE BOARD OF PUBLIC WORKS

SYNOPSIS OF ORDINANCE In 1970 a contract was let to Combustion Engineering, Inc. in amount of \$378,835.00 for the Lawton Park Steam Generating Unit for the Power Plant. Ten payments were made on the contract totaling \$336,046.25.

In April of 1972, the Board of Works withheld payment of Invoice #11 in amount of \$44,763.75, not only because it was \$1,975.00 over the original contract, not covered by a change order, but because the I&M Lease was contemplated and no decision had been made regarding disposition of the Boiler Unit.

In 1973 further invoices were submitted covering costs entailed due to 1971 request by City to delay shipment of the Unit to provide for proper coordination of job site construction scheduling. This cost totaled \$15,850.00.

In 1974 the Consulting Engineer approved a Change Order covering all the additional costs to the contract less a credit of \$3,750.00. This Change Order in amount of \$12,100.00 was also held by the Board.

The total contract cost at this point was \$390,935.00 with a balance due of \$54,888.75.

It was the intention of the previous Board to negotiate the final payment if the consultant and contractor would assist the City in the sale of the Generator.

Collection of the balance due on this contract is now in the hands of an attorney. Associate City Attorney, Larry Burke, has examined the contract and deemed it advisable for the City to pay monies due. This necessitates approving Change Order #1 in amount of \$12,100.00.

EFFECT OF PASSAGE Enable City to pay Combustion Engineering for services rendered

(SEE ATTACHED MEMORANDUM FROM JACK HINMAN, former Electrical Engineer)

EFFECT OF NON-PASSAGE Probable law suit for payment of \$12,100.00.

Unpaid balance of original contract in amount of \$42,788.75 is being paid, as advised by Associate City Attorney

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) Cost to the Electric Utility of \$12,100.00

ASSIGNED TO COMMITTEE City Utilities Committee